

REMARKS/ARGUMENTS:

This application has been reviewed in light of the Office Action mailed on May 15, 2009. Claims 1-17 are pending in the present application with Claims 1 and 9 being in independent form. By the present amendment, Claims 14-17 have been added as new claims and Claims 1, 5, 6 and 9 have been amended. Support for the new claims can be found at least in paragraphs [0031], [0039] and [0043] of Applicants' published specification. Support for the amendments can be found at least in paragraph [0030] of Applicants' published specification. No new matter or issues are believed to be introduced by the amendments.

Claims 14-17 have been added to the application as new claims. It is respectfully submitted that the subject matter of the claims is fully disclosed in the specification and allowable over the prior art of record. Accordingly, allowance of Claims 14-17 is respectfully requested.

The specification was objected to for having informalities. The specification has been amended as indicated above to correct the cited informalities in the Office Action. Accordingly, withdrawal of the objections to the specification is respectfully requested.

Claims 1 and 9 were objected to for having informalities. Claims 1 and 9 have been amended as indicated above to correct the cited informalities. Accordingly, withdrawal of the objections to Claims 1 and 9 is respectfully requested.

Claims 5 and 6 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended Claims 5 and 6. Accordingly, withdrawal of the §112 rejection with respect to Claims 5 and 6 and allowance thereof are respectfully requested.

Claims 1, 3-5, 7-9 and 12-13 were rejected under 35 U.S.C. §102(e) as being anticipated by Strierner (U.S. Patent No. 6,931,463).

Claim 1, as amended herein, recites, *inter alia*, as follows:

“...the electronic device being **updateable with and operable to perform** one or more additional functionality features associated with said one or more functionality devices” (Emphasis added.)

It is respectfully submitted that Strierner fails to disclose or suggest “the electronic device being updateable with and operable to perform one or more additional functionality features associated with said one or more functionality devices,” as recited in independent Claim 1.

As best understood by Applicants, Strierner is directed to a companion device which provides non-native function to a different electronic device. (see, e.g., Abstract) Once the companion device is connected via a local wireless interface data can be transmitted to the companion device which then processes that data and returns the processed data to the electronic device. (Fig. 5, Column 1, lines 59-65). According to the detailed description, “the electronic device **may use the companion device to perform some type of processing** or other service that is not available within the electronic device itself. In this manner a small, portable companion device **may be used to provide needed function without having to build the function into the electronic device itself.**” (Column 4, lines 15-21). In other words, Strierner teaches a companion device which provides additional non-native functions to an electronic device by performing the functions **on the companion device itself.**

In contrast, in the present disclosure, a functionality device is used to **update an electronic device with additional functionality features** such that the electronic device becomes **operable to perform** those additional functionality features. Claim 1 is patently distinguishable over the teachings of Strierner. There is no teaching or suggestion in Strierner of updating the electronic device itself with additional functionality so that it can perform additional functionality features as

required by Applicants' Claim 1.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claim 1 and allowance thereof are respectfully requested.

It is respectfully submitted that independent Claim 9 has been amended to recite similar limitations as those of independent Claim 1.

Accordingly, for at least the same reasons presented above for Claim 1, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claim 9 and allowance thereof are respectfully requested.

Claims 3-5, 7-8 and 12-13 depend from independent Claims 1 and 9 and therefore include the claim limitations of their respective independent claims. Accordingly, for at least the same reasons given above for the allowance of Claims 1 and 9, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to dependent Claims 3-5, 7-8 and 12-13 and allowance thereof are respectfully requested.

New Claims 14-17 depend, directly or indirectly, from independent Claim 1 and therefore include the limitations of Claim 1. Therefore, according to at least the same reasons given above for the allowance of Claim 1, new dependent Claims 14-17 are in condition for allowance.

Claims 2, 6 and 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Strierner in view of Henrie et al. (U.S. Patent No. 6,519,144). The rejection is respectfully traversed.

Claims 2, 6 and 10-11 depend from independent Claims 1 and 9 and therefore include the claim limitations found in Claims 1 and 9. Claims 2, 6 and 10-11 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1 and 9. Additionally, Henrie et al. does not address the deficiencies of Strierner with respect to

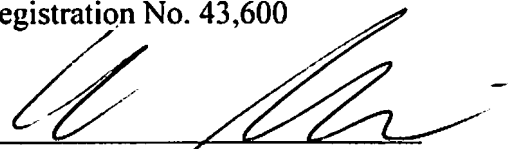
independent Claims 1 and 9. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2, 6 and 10-11 and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-17, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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